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IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	2:04-cr-0357 MCE
)	
Plaintiff,)	MOTION AND ORDER
)	DISMISSING INDICTMENT;
v.)	ORDER
)	
RODGER BRUNEAU, SR.,)	
)	
Defendant.)	

The United States of America, by and through its undersigned attorney, Kymberly A. Smith, Assistant United States Attorney of the Eastern District of California, advises this Court that RODGER BRUNEAU, SR. passed away on or about February 14, 2005. Accordingly, the government respectfully requests that this Court dismiss with prejudice, the above-captioned indictment. This motion is made pursuant to the provisions of Rule 48(a) of the Federal Rules of Criminal Procedure in that the defendant is deceased.

DATED: January 4, 2006


McGREGOR W. SCOTT
United States Attorney

By: /s/ Kymberly A. Smith
KYMBERLY A. SMITH
Assistant U.S. Attorney

ORDER

IT IS HEREBY ORDERED THAT the above-captioned Indictment against RODGER BRUNEAU SR., be and the same hereby is DISMISSED with prejudice.

DATED: January 4, 2006



MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE